

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

BRANDEN KING,)
vs.)
Petitioner,) Case No. 2:13-cv-0434-JMS-DKL
)
JOHN F. CARAWAY,)
vs.)
Respondent.)

Entry Dismissing Action and Directing Entry of Final Judgment

I.

Branden King is confined at the Federal Correctional Complex in Terre Haute, Indiana. He brings this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

King was convicted by a jury in the Central District of Illinois of being a felon in possession of a firearm, in violation of 18 U.S.C. § 922(g). His conviction and sentence were affirmed on appeal by the Seventh Circuit Court of Appeals. *United States v. King*, 643 F.3d 1003 (7th Cir. 2011). King filed a motion to vacate pursuant to 28 U.S.C. § 2255 in the trial court on October 1, 2012. That motion was denied in *King v. U.S.*, 2013 WL 3305527 (C.D.Ill. July 01, 2013). The claim here pertains to King's sentence as an armed career criminal and is a renewal of the claim presented and rejected in his motion for relief pursuant to 28 U.S.C. § 2255.

A federal prisoner may use a § 2241 petition for a writ of habeas corpus to attack his conviction or sentence only if § 2255 is ‘inadequate or ineffective.’” *Hill v. Werlinger*, 695 F.3d 644, 645 (7th Cir. 2012) (quoting 28 U.S.C. § 2255(e)). Nevertheless, 28 U.S.C. § 2244(a) prevents a federal inmate from utilizing § 2241 to challenge the validity of a federal court

conviction or sentence which has previously been presented to the federal court for determination, such as when challenged by way of federal collateral review. *Valona v. United States*, 138 F.3d 693, 694–65 (7th Cir. 1998) (concluding that § 2244(a) bars successive petitions under § 2241 directed to the same issue concerning execution of a sentence); *Chambers v. United States*, 106 F.3d 472, 475 (2d Cir. 1997) (barring as a second § 2241 petition a repetitive challenge to application of time credits in the administrative calculation of a federal sentence).

The savings clause of § 2255(e) does not give King a second bite at the post-conviction relief apple. No argument he presents dictates otherwise. He mentions *Descamps v. United States*, 133 S. Ct. 2276 (2013), but this does not benefit him. "To date, the Supreme Court has not made *Descamps* retroactive on collateral review." *Groves v. United States*, 755 F.3d 588, 593 (7th Cir. 2014), and the rule in *Descamps* has been the rule in the Seventh Circuit since at least 2009. See *United States v. Woods*, 576 F.3d 400, 411 (7th Cir. 2009).

King's petition for writ of habeas corpus is denied.

II.

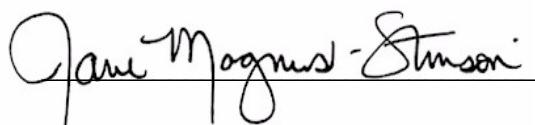
Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: September 12, 2014

Distribution:

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Terre Haute, IN 47808
Electronically registered counsel



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana